

## **REMARKS**

The Office Action dated February 5, 2009, has been received and carefully noted. The above amendments to the claims, and the following remarks, are submitted as a full and complete response thereto.

By this Response, claims 1-3, 6-10, 12, 17-21, 23, and 29-33 have been amended to more particularly point out and distinctly claim the subject matter of the present invention. No new matter has been added. Support for the above amendments is provided in the Specification, at least, in paragraphs [0025]-[0033]. Accordingly, claims 1-23 and 25-36 are currently pending in the application, of which claims 1, 12, and 23 are independent claims.

In view of the above amendments and the following remarks, Applicant respectfully requests reconsideration and timely withdrawal of the pending rejections to the claims for the reasons discussed below.

### ***Claim Rejections under 35 U.S.C. § 101***

The Office Action rejected claims 1-11 under 35 U.S.C. §101 as allegedly directed to non-statutory subject matter. In particular, the Office Action alleged that claims 1-11 fail to satisfy the requirements outlined by the Court of Appeals for the Federal Circuit in its holdings in *In re Bilski*.

Accordingly, Applicant has amended claim 1 to recite the steps of a method for detecting an octet slip in an inband signalling block in pulse code modulation. Each of

the steps are tied to a particular apparatus, and therefore claim 1 satisfies the requirements outlined by the Court of Appeals for the Federal Circuit in its holdings in *In re Bilski*. Claims 2-11 depend from claim 1.

Therefore, Applicant respectfully requests withdrawal of the rejections of claims 1-11 under 35 U.S.C. §101 and respectfully submit that claims 1-11 are now in condition for allowance.

***Claim Rejections under 35 U.S.C. §112, Second Paragraph***

The Office Action rejected claims 1-23 and 25-36 under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Specifically, the Office Action alleged that it is not clear whether the position of error K1 is known from the beginning of the search process or a search has been performed to find the position of error bit K1 (See Office Action on page 4). Further, the Office Action alleged that the limitation, “detecting an assumed octet slip,” as recited in claims 1, 12, and 23, is vague and indefinite because it is not clear how the Applicant makes the assumption that the octet slip (error) exists. The Office Action alleged that the signalling block might be an error free block, as illustrated in Figure 2B, blocks 20-22, and therefore allegedly the above assumption may not be a valid assumption.

Applicant has amended claims 1-3, 6-10, 12, 17-21, 23, and 29-32 to more particularly point out and distinctly claim the subject matter of the invention, rendering the rejections of claims 1-23 and 25-36 moot.

Therefore, Applicant respectfully requests withdrawal of the rejections of claims 1-23 and 25-36 under 35 U.S.C. §112, second paragraph, and respectfully submit that claims 1-23 and 25-36 are now in condition for allowance.

### **CONCLUSION**

Applicant respectfully submits that claims 1-23 and 25-36 particularly point out and distinctly claim the subject matter of the present invention; and therefore, the claims are definite. Further, Applicant respectfully submits that all cited references of record fail to disclose or suggest each and every element recited in claims 1-23 and 25-36, and therefore claims 1-23 and 25-36 are in condition for issuance.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, Applicant's undersigned representative at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper is not being timely filed, Applicant respectfully petitions for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,

  
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Enclosures: Petition for Extension of Time  
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